

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN MARKLE,

Plaintiff,

v.

CITY OF LIVINGSTON, et al.,

Defendants.

Case No. 1:23-cv-01708-KES-EPG

ORDER DIRECTING DEFENDANT CITY OF
LIVINGSTON TO SUBMIT FILING
REGARDING STIPULATION OF DISMISSAL

(ECF No. 15)

On February 10, 2025, Plaintiff John Markle and Defendant Vanessa L. Portillo filed a stipulation of dismissal with prejudice of the claims against these Defendants Portillo under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). However, because Rule 41(a)(1)(A)(ii) requires a stipulation of dismissal to be “signed by all parties who have appeared,” and only Plaintiff and Defendant Portillo have signed the stipulation, the Court will require the remaining Defendants in the case who have appeared—the City of Livingston—to submit a filing approving or opposing the stipulation of dismissal. *See Thacker v. AT&T Corp.*, No. 2:20-CV-00255-KJM-CKD PS, 2021 WL 1784873, at *1 (E.D. Cal. May 5, 2021), *report and recommendation adopted*, 2021 WL 4168533 (E.D. Cal. Sept. 14, 2021) (noting that court was “unaware of any case waiving the requirement that the stipulation . . . must be made by all parties who have appeared” and that “[t]he requirement to obtain all parties’ consent to voluntarily dismiss (without a court order) is intended to ensure that a voluntary dismissal of a party at later stages of the litigation does not cause plain legal prejudice to the party to be dismissed or to the remaining defendant(s)”).

1 Accordingly, IT IS ORDERED as follows:

- 2 1. By no later than February 18, 2025, Defendant City of Livingston shall file a signed
3 document reflecting their approval of the stipulation of dismissal (ECF No. 15) or file a
4 response opposing the stipulation of dismissal.
- 5 2. Alternatively, by no later than February 18, 2025, the parties may file a stipulation of
6 dismissal signed by *all* parties who have appeared in this action in compliance with Rule
7 41(a)(1)(A)(ii).

8 IT IS SO ORDERED.

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10 Dated: February 11, 2025

/s/ *Eric P. Groj*
11 UNITED STATES MAGISTRATE JUDGE

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